

**TOWN OF BROOKLINE
OFFICE OF TOWN COUNSEL**

MEMORANDUM

TO: Zoning Board of Appeals

FROM : Jonathan Simpson

DATE: June 10, 2016

RE: Massachusetts Historical Commission – Potential Review of 40 Centre 40B Development

Maria Morelli of the Planning Department had asked that I research what role, if any, the Massachusetts Historical Commission (MHC) will play in the review of the 40 Centre 40B Development. Pursuant to *M.G.L. c. 9, §§26-27C* and 950 CMR 71.02, the MHC is charged with eliminating, minimizing or mitigating adverse effects to properties listed in the State Register of Historic Places. Pursuant to 950 CMR 71.04, prior to any state body either undertaking a project itself or funding or licensing a private project, as is the case with a subsidizing agency, the agency must notify the MHC by submitting a Project Notification Form (PNF). The MHC then determines whether any State Register properties or other historical or archaeological assets exist within the project area's potential..

In researching the role the Commission will play for developments proceeding under *M.G.L. c. 40B*, I spoke with Ryan Maciej of the MHC about the Crowninshield 40B case in February 2016 before the ZBA had opened the public hearing. He explained that the normal course of action is for the subsidizing agency to submit the PNF to MHC once the project has received a comprehensive permit and the agency is prepared to issue its final decision on financing. The PNF includes details about the project, including plans and elevations, intended to allow MHC to determine what, if any, adverse effect the project will have on the relevant State Register properties.

According to Mr. Maciej, the Town and other interested parties have the opportunity to provide input into this process by submitting letters to the MHC. Letters from Town bodies involved in reviewing the design of the process, such as the ZBA or the Design Review team, would be especially informative.